

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original “this title”, meaning title XIII of Pub. L. 102-550, Oct. 28, 1992, 106 Stat. 3941, which is classified principally to this chapter. For complete classification of title XIII to the Code, see Short Title note set out under section 4501 of this title and Tables.

The Federal National Mortgage Association Charter Act, referred to in subsec. (a)(1), is title III of act June 27, 1934, ch. 847, 48 Stat. 1252, as amended, which is classified generally to subchapter III (§1716 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1716 of this title and Tables.

The Federal Home Loan Mortgage Corporation Act, referred to in subsec. (a)(1), is title III of Pub. L. 91-351, July 24, 1970, 84 Stat. 451, as amended, which is classified generally to chapter 11A (§1451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title and Statement of Purpose note set out under section 1451 of this title and Tables.

#### § 4637. Notice after separation from service

The resignation, termination of employment or participation, or separation of a director or executive officer of an enterprise shall not affect the jurisdiction and authority of the Director to issue any notice and proceed under this subchapter against any such director or executive officer, if such notice is served before the end of the 2-year period beginning on the date such director or executive officer ceases to be associated with the enterprise.

(Pub. L. 102-550, title XIII, §1377, Oct. 28, 1992, 106 Stat. 3992.)

#### § 4638. Private rights of action

This chapter shall not create any private right of action on behalf of any person against an enterprise, or any director or executive officer of an enterprise, or impair any existing private right of action under other applicable law.

(Pub. L. 102-550, title XIII, §1378, Oct. 28, 1992, 106 Stat. 3993.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title and the amendments made by this title”, meaning title XIII of Pub. L. 102-550, Oct. 28, 1992, 106 Stat. 3941, which is classified principally to this chapter. For complete classification of title XIII to the Code, see Short Title note set out under section 4501 of this title and Tables.

#### § 4639. Public disclosure of final orders and agreements

##### (a) In general

The Director shall make available to the public—

(1) any written agreement or other written statement for which a violation may be redressed by the Director or any modification to or termination thereof, unless the Director, in the Director’s discretion, determines that public disclosure would be contrary to the public interest;

(2) any order that is issued with respect to any administrative enforcement proceeding initiated by the Director under this subchapter and that has become final in accordance with sections 4633 and 4634 of this title; and

(3) any modification to or termination of any final order made public pursuant to this subsection.

##### (b) Hearings

All hearings on the record with respect to any notice of charges issued by the Director shall be open to the public, unless the Director, in the Director’s discretion, determines that holding an open hearing would be contrary to the public interest.

##### (c) Delay of public disclosure under exceptional circumstances

If the Director makes a determination in writing that the public disclosure of any final order pursuant to subsection (a) of this section would seriously threaten the financial health or security of the enterprise, the Director may delay the public disclosure of such order for a reasonable time.

##### (d) Documents filed under seal in public enforcement hearings

The Director may file any document or part thereof under seal in any hearing commenced by the Director if the Director determines in writing that disclosure thereof would be contrary to the public interest.

##### (e) Retention of documents

The Director shall keep and maintain a record, for not less than 6 years, of all documents described in subsection (a) of this section and all enforcement agreements and other supervisory actions and supporting documents issued with respect to or in connection with any enforcement proceeding initiated by the Director under this subchapter or any other law.

##### (f) Disclosures to Congress

This section may not be construed to authorize the withholding, or to prohibit the disclosure, of any information to the Congress or any committee or subcommittee thereof.

(Pub. L. 102-550, title XIII, §1379, Oct. 28, 1992, 106 Stat. 3993.)

#### § 4640. Notice of service

Any service required or authorized to be made by the Director under this subchapter may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the Director may by regulation or otherwise provide.

(Pub. L. 102-550, title XIII, §1379A, Oct. 28, 1992, 106 Stat. 3993.)

#### § 4641. Subpoena authority

##### (a) In general

In the course of or in connection with any administrative proceeding under this subchapter, the Director shall have the authority—

(1) to administer oaths and affirmations;

(2) to take and preserve testimony under oath;

(3) to issue subpoenas and subpoenas duces tecum; and

(4) to revoke, quash, or modify subpoenas and subpoenas duces tecum issued by the Director.

**(b) Witnesses and documents**

The attendance of witnesses and the production of documents provided for in this section may be required from any place in any State at any designated place where such proceeding is being conducted.

**(c) Enforcement**

The Director may request the Attorney General of the United States to bring an action in the United States district court for the judicial district in which such proceeding is being conducted, or where the witness resides or conducts business, or the United States District Court for the District of Columbia, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section or may, under the direction and control of the Attorney General, bring such an action. Such courts shall have jurisdiction and power to order and require compliance therewith.

**(d) Fees and expenses**

Witnesses subpoenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Any court having jurisdiction of any proceeding instituted under this section by an enterprise may allow to any such party such reasonable expenses and attorneys fees as the court deems just and proper. Such expenses and fees shall be paid by the enterprise or from its assets.

(Pub. L. 102-550, title XIII, § 1379B, Oct. 28, 1992, 106 Stat. 3994.)

## CHAPTER 47—COMMUNITY DEVELOPMENT BANKING

### SUBCHAPTER I—COMMUNITY DEVELOPMENT BANKING AND FINANCIAL INSTITUTIONS

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| <p>Sec.<br/>4701. Findings and purposes.<br/>    (a) Findings.<br/>    (b) Purpose.</p> <p>4702. Definitions.</p> <p>4703. Establishment of national Fund for community development banking.<br/>    (a) Establishment.<br/>    (b) Management of Fund.<br/>    (c) General powers.<br/>    (d) Advisory Board.<br/>    (e) Omitted.<br/>    (f) Government Corporation Control Act exemption.<br/>    (g) Limitation of Fund and Federal liability.<br/>    (h) Prohibition on issuance of securities.<br/>    (i) Omitted.<br/>    (j) Assisted institutions not United States instrumentalities.<br/>    (k) Transition period.</p> <p>4704. Applications for assistance.<br/>    (a) Form and procedures.<br/>    (b) Minimum requirements.<br/>    (c) Preapplication outreach program.</p> <p>4705. Community partnerships.<br/>    (a) Application.<br/>    (b) Application requirements.<br/>    (c) Selection criteria.<br/>    (d) Limitation on distribution of assistance.<br/>    (e) Other requirements and limitations.</p> <p>4706. Selection of institutions.<br/>    (a) Selection criteria.</p> | <p>Sec.<br/>4707. Assistance provided by Fund.<br/>    (a) Forms of assistance.<br/>    (b) Uses of financial assistance.<br/>    (c) Uses of technical assistance.<br/>    (d) Amount of assistance.<br/>    (e) Matching requirements.<br/>    (f) Terms and conditions.<br/>    (g) Authority to sell equity investments and loans.<br/>    (h) No authority to limit supervision and regulation.</p> <p>4708. Training.<br/>    (a) In general.<br/>    (b) Program activities.<br/>    (c) Participation.<br/>    (d) Contracting.<br/>    (e) Coordination.<br/>    (f) Regulatory fee for providing training services.</p> <p>4709. Encouragement of private entities.</p> <p>4710. Collection and compilation of information.</p> <p>4711. Investment of receipts and proceeds.<br/>    (a) Establishment of account.<br/>    (b) Investments.<br/>    (c) Availability.</p> <p>4712. Capitalization assistance to enhance liquidity.<br/>    (a) Assistance.<br/>    (b) Selection.<br/>    (c) Amount of assistance.<br/>    (d) Audit and report requirements.<br/>    (e) Limitations on liability.<br/>    (f) Use of proceeds.</p> <p>4713. Incentives for depository institution participation.<br/>    (a) Function of Administrator.<br/>    (b) Provisions relating to administration of this section.</p> <p>4714. Recordkeeping.<br/>    (a) In general.<br/>    (b) User profile information.<br/>    (c) Access to records.<br/>    (d) Review.<br/>    (e) Reporting.</p> <p>4715. Special provisions with respect to institutions that are supervised by Federal banking agencies.<br/>    (a) Consultation with appropriate agencies.<br/>    (b) Requests for information, reports, or records.<br/>    (c) Exclusion for examination reports.<br/>    (d) Sharing of information.<br/>    (e) Disclosure prohibited.<br/>    (f) Privilege maintained.<br/>    (g) Exceptions.<br/>    (h) Sanctions.<br/>    (i) Safety and soundness considerations.</p> <p>4716. Studies and reports; examination and audit.<br/>    (a) Annual report by Fund.<br/>    (b) Optional studies.<br/>    (c) Native American lending study.<br/>    (d) Investment, governance, and role of Fund.<br/>    (e) Consultation.<br/>    (f) Examination and audit.</p> <p>4717. Enforcement.<br/>    (a) Regulations.<br/>    (b) Administrative enforcement.</p> <p>4718. Authorization of appropriations.<br/>    (a) Fund authorization.<br/>    (b) Community Development Credit Union Revolving Loan Fund.<br/>    (c) Budgetary treatment.</p> |
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### SUBCHAPTER II—SMALL BUSINESS CAPITAL ENHANCEMENT

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| <p>4741. Findings and purposes.</p> | <p>4741. Findings and purposes.</p> |
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